

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2010-172-C**

<b>In Re:</b>	)	
<b>Application of Tower Cloud, Inc. for a</b>	)	
<b>Certificate of Public Convenience and Necessity</b>	)	<b>MODIFIED</b>
<b>to Provide Resold and Facilities Based</b>	)	<b>STIPULATION</b>
<b>Interexchange Telecommunications Services</b>	)	
<b>and for Alternative Regulation.</b>	)	

This Stipulation is made by and among the Office of Regulatory Staff (“ORS”), South Carolina Telephone Coalition (“SCTC”) and Tower Cloud, Inc. (“Tower Cloud” or “the Company”);

WHEREAS, On May 13, 2010 Tower Cloud, Inc. filed an application for authority to provide resold and facilities based interexchange services and for alternative regulation;

WHEREAS, on June 28, 2010, the Company filed the direct testimony of Patricia T. Morrison with the Commission;

WHEREAS, SCTC filed to intervene on June 22, 2010;

WHEREAS, Tower Cloud will not serve any end-user retail customers;

WHEREAS, the Company agrees to operate only as an interexchange back-haul service provider to wireless carriers from various cell tower locations to the carriers’ mobile switching centers throughout the state;

WHEREAS, as a result of its investigations, ORS has determined: (a) the Company intends to offer resold and facilities based interexchange telecommunication services; (b) the Company’s officers possess sufficient technical and managerial abilities to adequately provide





The Parties agree that such reports shall be filed pursuant to ORS's instructions and monies shall be remitted in accordance with the directions of the ORS and the Commission requirements;

8) In the event that the Company intends to offer prepaid calling card services in the future, the Company agrees that it shall obtain Commission approval and post a surety bond in the amount of \$5,000 as required by the Commission prior to offering;

9) In the event that the Company intends to expand its authority and offer prepaid local exchange service in the future, the Company agrees that it shall obtain Commission approval and comply with Regulation 103-697 in that they will obtain a bond, irrevocable letter of credit, or certificate of deposit per the Commission's request prior to offering;

10) The Company agrees to maintain its books and records associated with its South Carolina operations in a manner that would permit ORS to examine any of Tower Cloud's reports filed with the Commission and provided to ORS;

11) The Company agrees to comply with South Carolina Code Ann. § 58-9-300 entitled "Abandonment of Service";

12) The Company agrees to file a final revised tariff with both the ORS and the Commission within thirty days of the Commission Order granting certification, and the revised tariff shall be in accordance with ORS's recommendations.

13) The Company agrees to comply with all rules and regulations of the Commission unless the Commission has expressly waived such rule or regulation;

14) The Parties represent that the terms of this Stipulation are based upon full and accurate information known as of the date this Stipulation is executed. If, after execution, either Party is made aware of information that conflicts, nullifies, or is otherwise materially different than that information upon which this Stipulation is based, either Party may withdraw from the

Stipulation with written notice to the other Party;

15) The Parties agree that signing this Stipulation will not constrain, inhibit, impair or prejudice their arguments or positions held in other collateral proceedings, nor will it constitute a precedent or evidence of acceptable practice in future proceedings. If the Commission declines to approve the Stipulation in its entirety, then any Party desiring to do so may withdraw from the Stipulation in its entirety without penalty or obligation.

WE AGREE:

**Representing the Office of Regulatory Staff**



C. Lessie Hammonds, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
Telephone: (803) 737-0800  
Fax: (803) 737-0895  
Email: [lhammon@regstaff.sc.gov](mailto:lhammon@regstaff.sc.gov)

08/09/10  
Date

WE AGREE:

**Representing Tower Cloud, Inc.**

Marsha A. Ward, Esquire  
Sutherland Asbill & Brennan, LLP  
999 Peachtree St., NE  
Atlanta, GA 30309  
Telephone: (404)-853-8000  
Fax: (404)-853-8806  
Email: [marsha.ward@sutherland.com](mailto:marsha.ward@sutherland.com)

Date

WE AGREE:

**Representing SCTC**

M. John Bowen, Jr.  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC 29211  
Telephone: 803-799-9800  
Fax: 803-753-3219 Email: [jbowen@mcnair.net](mailto:jbowen@mcnair.net)

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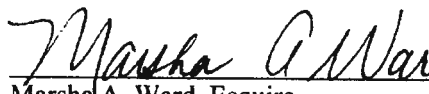
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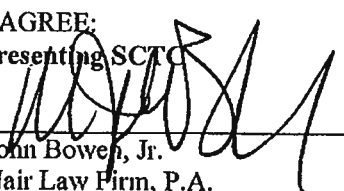
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8/9/2010

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**DOCKET NO. 2010-172-C**

IN RE: Application of Tower Cloud, Incorporated for )  
a Certificate of Public Convenience and )  
Necessity to Provide Resold and Facilities- ) **CERTIFICATE OF**  
Based Interexchange Telecommunications ) **SERVICE**  
Services in the State of South Carolina and )  
for Alternative Regulation )  
)

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **LATE FILED EXHIBIT** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

James R. McGibbon, Esquire  
Marsha A. Ward, Esquire  
Tower Cloud, Incorporated  
Sutherland Asbill & Brennan, LLP  
999 Peachtree St., NE  
Atlanta, GA, 30309

M. John Bowen, Jr., Esquire  
Margaret M. Fox, Esquire  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC, 29211

*Chrystal L. Morgan*  
Chrystal L. Morgan

August 9, 2010  
Columbia, South Carolina